

STATE OF INDIANA                     )  
  ) SS.  
COUNTY OF ST. JOSEPH            )

IN THE ST. JOSEPH SUPERIOR COURT  
  
SOUTH BEND, INDIANA

Cause No. 71D07-1209-MI-000159

**SOUTH BEND COMMON COUNCIL,**        )  
  )  
                                  Plaintiff        )  
  )  
                                  v.                )  
  )  
**SOUTH BEND CITY ADMINISTRATION,**    )  
  )  
                                  Defendant.     )

**LOGAN ESTATE MOTION TO INTERVENE**

Pursuant to Ind. Trial Rule 24, applicant, Estate of ERIC JACK LOGAN, deceased (“Logan Estate,” the “Estate”), by counsel, respectfully moves to intervene as a plaintiff in this action. In support, it states as follows:

1. T.R. 24(A)(2) provides that

Upon timely motion anyone shall be permitted to intervene in an action...when the applicant claims an interest relating to a property...which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impeded his ability to protect his interest in the property...unless the applicant’s interest is adequately represents by existing parties.

2. T.R. 24(B) provides, in pertinent part, that

Upon timely motion anyone *may* be permitted to intervene in an action...when an applicant’s claim or defense and the main action have a question of law or fact in common.

(Emphasis added).

3. The Logan Estate filed a civil rights lawsuit against the City of South Bend and former South Bend Police Sergeant Ryan O’Neill alleging, among other things, that Sgt. O’Neill

used excessive force resulting in the June 16, 2019 shooting death of Eric Logan and that the South Bend Police Department has a pattern and practice of racially-motivated discrimination. *See Estate of Eric Jack Logan v. O'Neill*, U.S. District Court for the N.D. Ind., No. No. 3:19-cv-00495-DRL-MGG.

4. On November 20, 2019 at 3:12 p.m. ET, the undersigned attempted to obtain the approval of counsel record for this motion.

5. Counsel for the individual Intervenors, Daniel H. Pfeifer, lodges his objection to this motion to intervene.

6. By the time of this filing, the Estate has not received responses from the City Administration or the Common Council's counsel.

7. Filed contemporaneously with this motion is the Estate's memorandum of law in support thereof.

WHEREFORE, pursuant to T.R. 24, applicant moves to intervene in this action and any other relief the Court deems appropriate.

Respectfully submitted,

**Estate of ERIC JACK LOGAN, deceased**

/s/ Trent A. McCain

One of Applicant's Attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that on **November 21, 2019**, a copy of the foregoing motion was filed electronically. Service of this filing will be made on all parties and/or counsel of record by operation of the Indiana E-Filing system.

/s/Trent A. McCain

One of Applicant's Attorneys